

REMARKS

After entry of this amendment, claims 1-20 are pending in the application. Claims 5 and 15 have been allowed. Claims 1, 11, and 20 have been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention. Reconsideration of the application as amended is requested.

Claims 1, 8, 11, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Cohen et al. (U.S. Patent 3,159,165). The main obstacle for the use of the Cohen et al. reference is that Cohen et al. teaches an air-supported structure. In other words, the Cohen structure is supported not by any structural members but instead is supported by having a higher air pressure inside than outside the enclosure. The present application discloses an enclosure that is supported by a physical structural frame as opposed to being supported by air pressure. The Examiner alleges that in Cohen et al. since there is flexible material located above the door frame 41, the door frame is considered to support the flexible material. The door frame 41 does lend some "support" to the flexible material located above it, but this support is localized since the door frame 41 accounts for a singular location around the perimeter of the enclosure. Also, the amount of support that is provided is purely incidental since the flexible material cannot stay in position without the air pressure differential that is required for the air-supported structure. In other words, if the door frame was removed and replaced with just more flexible material (to prevent air from leaking), the integrity of the enclosure would still be intact without the "supporting" door frame. However, if the air pressure was reduced inside the enclosure while keeping the door frame intact, the flexible material would collapse in spite of the "support" provided by the door frame. Independent claim 1 and dependent claim 8, as amended now cite that the wall panel of flexible material forming the enclosure is entirely supported by the frame to distinguish from the Cohen et al. reference which only provides localized support at the door frame 41 location. The Cohen et al. reference does not anticipate, teach, or suggest an outdoor tent that is supported in its entirety by a structural frame. Claim 11 as amended now cites that a portable frame supports the outdoor tent/enclosure entirely – instead of just a single wall panel. Claim 20 has been amended to recite in Jepson format a portable, non-air-supported outdoor tent enclosure for protecting occupants from at least some elements of nature, where the enclosure includes a

structure for supporting the flexible material distinct and separate from the flexible material and any enclosed volume of air, where the supporting structure provides support and shape to the flexible material, the improvements comprising the recited elements. The Cohen et al. reference does not anticipate, teach, or suggest an outdoor tent/enclosure that is non-air-supported. Reconsideration of the Examiner's rejections of the claims in the pending application is requested.

Claims 2-4, 7, 10, 12-14, 17, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen et al. in view of Meyer et al. (U.S. Patent No. 2,939,467). The Examiner alleges that Cohen et al. discloses all of the limitations of the claims except for a flap of flexible material wherein the flap is movable between a storage position and a closed position, while Meyer et al. discloses a flap of flexible material wherein the flap is movable between a storage position and a closed position. The arguments set forth above are incorporated here to refute the Examiner's allegation that Cohen et al. discloses all of the limitations of the claims. The changes to independent claims 1 and 11, and thereby dependent claims 2-4, 7, 10, 12-14, 17, and 19, as described above, teach a non-air-supported tent/enclosure, thereby being patentable over Cohen et al. The addition of the Meyer et al. reference does not overcome the deficiencies of Cohen et al. since Meyer et al. teaches an air-supported structure also. Neither Cohen et al. or Meyer et al. anticipate, teach, or suggest an outdoor tent/enclosure that is non-air-supported and/or a portable frame entirely supporting the enclosure. Reconsideration of the Examiner's rejections of the claims in the pending application is requested.

Claims 6, 9, 16, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen et al. The Examiner alleges that it would have been obvious to one of ordinary skill in the art to incorporate the features of a sleeve with an elastic periphery into the system of Cohen for the purpose of protection against the elements. As mentioned above, any comparison between Cohen et al. and the Applicant's invention is non-analogous since Cohen et al. teaches an air-supported enclosure. Dependent claims 6, 9, 16, and 18 now cite through independent claims 1 and 11 that the claimed enclosure is entirely supported by a structural frame. Cohen et al. does not anticipate, teach, or suggest an outdoor tent/enclosure that is supported in its entirety by a frame. Reconsideration of the Examiner's rejections of the claims in the pending application is requested.

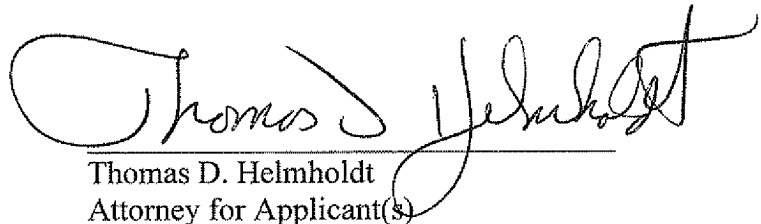
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It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims, and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,
YOUNG, BASILE, HANLON,
MacFARLANE & HELMHOLDT, P.C.

A handwritten signature in black ink, appearing to read "Thomas D. Helmholdt", written over a horizontal line.

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